

HOUSE BILL NO. 572

INTRODUCED BY LEWIS, BRANAE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE PROVISION OF SERVICES FOR STUDENTS WITH BLINDNESS; DETERMINING THE NEED FOR BRAILLE INSTRUCTION; REQUIRING ADDITIONAL TRAINING FOR SPECIAL EDUCATION TEACHERS OF STUDENTS WITH BLINDNESS; REQUIRING SCHOOL DISTRICTS TO ~~GIVE A PREFERENCE TO CERTAIN~~ CONSIDER THE AVAILABILITY OF ELECTRONIC VERSIONS OF TEXTBOOKS IN THE SELECTION OF TEXTBOOK PUBLISHERS; AMENDING SECTION 20-7-602, MCA; AND PROVIDING ~~AN~~ A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Blind Persons' Literacy Rights and Education Act".

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 5], unless the context requires otherwise, the following definitions apply:

- (1) "Braille" means the system of reading and writing through touch, commonly known as standard English Braille.
- (2) "Individualized education program" means a written statement developed for a student eligible for special education services pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. 1401(11).
- (3) "Student with blindness" means an individual who is eligible for special education services and who:
 - (a) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision such that the widest diameter subtends an angular distance of no greater than 20 degrees; or
 - (b) has a medically indicated expectation of visual deterioration.

NEW SECTION. **Section 3. Individualized education program for students with blindness.** (1) The individualized education program for each student with blindness must provide for instruction in Braille and the use of Braille unless the ~~individualized education program~~ CHILD STUDY team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media, including an



1 evaluation of the student's future needs for instruction in Braille or the use of Braille, that instruction in Braille
2 or the use of Braille is not appropriate for the student.

3 (2) If the ~~individualized education program~~ CHILD STUDY team determines that a student with blindness
4 needs Braille in order for the student to receive a free appropriate public education, the team shall include a
5 statement to the effect in the student's individualized education program file.

6
7 NEW SECTION. Section 4. Personnel training. ~~A~~ IF SCHOLARSHIPS ARE AVAILABLE, A SPECIAL
8 EDUCATION teacher who provides education services to students with blindness shall obtain the specific skills
9 that enable the teacher to work effectively with the students under the teacher's supervision. These skills may
10 be obtained through formal training or in-service training or consultation.

11
12 NEW SECTION. Section 5. Textbook selection preference -- AVAILABILITY OF ELECTRONIC VERSION
13 TO BE CONSIDERED -- LIMIT ON PRICE. When selecting textbooks for use in the school district, the trustees shall ~~give~~
14 ~~a preference to a publisher who can furnish the district with~~ CONSIDER THE AVAILABILITY OF an electronic version
15 of a textbook from which Braille versions can be produced AS ONE OF THE CRITERIA THAT MUST BE USED IN THE
16 SELECTION OF A TEXTBOOK. THE PRICE OF AN ELECTRONIC VERSION OF A TEXTBOOK MAY NOT EXCEED THE PRICE OF AN
17 AVAILABLE NONELECTRONIC VERSION OF THE TEXTBOOK BY MORE THAN \$1,000.

18
19 **Section 6.** Section 20-7-602, MCA, is amended to read:

20 **"20-7-602. Textbook selection and adoption.** (1) Textbooks ~~shall~~ must be selected by the district
21 superintendent or by the school principal if there is no district superintendent. ~~Such~~ The selections ~~shall be~~ are
22 subject to the approval of the trustees. In districts not employing a district superintendent or principal, the
23 trustees shall select and adopt the textbooks on the basis of recommendations of the county superintendent.

24 (2) ~~In selecting textbooks, preference must be given to publishers who can furnish the district with an~~
25 ~~electronic version of a textbook from which Braille versions can be produced~~ MUST BE SELECTED IF THE
26 ELECTRONIC VERSION MEETS THE TEXTBOOK SELECTION CRITERIA ESTABLISHED BY THE DISTRICT."

27
28 NEW SECTION. Section 7. Codification instruction. [Sections 1 through 5] are intended to be
29 codified as an integral part of Title 20, chapter 7, part 4, and the provisions of Title 20, chapter 7, part 4, apply
30 to [sections 1 through 5].

1

2 NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, ~~2003~~ 2004.

3

- END -